

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2005125 Pioneer Landscaping

Meeting Date: May 4, 2006

Agenda Item: 3

Supervisor District: 4

Applicant Pioneer Landscape Materials

Property Owner: Bill and Tamara Gibbons

Request: Precise Plan of Development in the IND-2 zoning district and High Noise/Accident Potential Zone (APZ2) of Luke Air Force Base (LAFB)

Proposed Use: Landscaping material sales & storage

Site Location: Approx. 0.4 mi. east of Perryville Rd. & McDowell Rd. in the Goodyear/Buckeye area

Site Size: Approx. 5.0 gross acres

County Island Status: Class I (City of Goodyear)

Summary of Conformance with Adopted Plans:

County Plan: The County Area Plan designates the site for industrial uses. The proposed use is in concert with the plan.

City/Town Plan: The Goodyear General Plan designates the site for light industrial, Community Commercial uses. The use is not in concert with the City's plan.

Support/Opposition: None Known

Recommendation: **Approve** with stipulations

Description of Proposal:

1. This request is for a precise Plan of Development for a landscaping materials storage yard. The project includes 3,900 sq. ft. of display area, office and 116,360 sq. ft. of material storage. The 5.0 acres site is located approx. 2,100 ft. east of the southeast corner of Perryville Rd. & McDowell Rd. in the Goodyear/Buckeye area.
2. This is not a plant nursery but will store and sell hardscape materials including decorative rock (gravel) boulders, flagstone, and cinderblock. The site will be improved with a 30' (w) landscape buffer fronting a 6' concrete masonry unit (CMU) wall which will run the full length (306.91 ft.) of the site parallel to McDowell Rd. The site is accessed off McDowell Rd. by a thirty (30) ft. wide paved driveway. A second paved driveway on the east boundary of the site is identical to the main entrance. Both driveway entrances may be closed with a rolling chain link gate. The east driveway will remain closed at all times to be used for emergency access only. The main entrance will remain open during office hours 7:00 a.m. to 6:00 p.m. Monday through Saturday.
3. The project is to be phased. Phase 1 will include a 6' (h) concrete masonry wall along McDowell, the office, the landscape buffer, the retention area 30' (w) x 300' (l) located along the southern boundary, paved parking and chain link along the remaining three sides of the site. Phase 2 will construct the 6' (h) CMU wall along the southern property line.
4. The north 1/3 of the site contains a 480 sq. ft. modular office building surrounded by a paved surfaced (21 ft. x 20 ft.) which includes a circular drive behind the building and beyond a truck scale, a concrete walkway around a display yard, 19 parking spaces including two (2) meeting ADA accessible requirements, and storage for a portion of the landscape materials. The modular office, for use by three (3) employees, measures 12' (w) x 48' (l) x 14' (h), will have skirting around the bottom. It includes two offices with a single restroom, for staff use, served by Arizona Water Company & on-site septic.
5. The remaining 2/3 of the site will hold the majority of the landscaping materials. The rock will be delivered to the site. Once the site is established the owner would expect up to 30 truck deliveries daily (20 small trucks with 10 ton capacity; and 10 large trucks with 25 ton capacity). The storage yard will also park the small front-end loader (Komatsu WA 250 loader) used to lift the material from the yard onto the buyer's vehicle for transport out of the yard.
6. One (1) monument sign is proposed for the site. This sign will be about halfway between the two driveways within the landscape buffer. The wooden sign measures 6'-7" (w) x 6' (h).

7. The only site lighting purposed for the site is a wall-mounted security light on the northeast corner of the office trailer.

Analysis of Conformance with Adopted Plans:

8. **Maricopa County “Eye to the Future 2020” Comprehensive Plan:** The Comprehensive Plan designates this site within the area of a County Area Plan. The White Tank/Grand Avenue Area Plan is the applicable County Area Plan.
9. **White Tank/Grand Avenue Area Plan (County Area Plan):** The County Area Plan, adopted December 6, 2000, shows “Industrial” uses as appropriate for the site. Uses in this category include warehousing, storage, distribution activities and general manufacturing. The request is consistent with the plan.
10. **City of Goodyear General Plan:** The County’s Comprehensive Plan also designates this site within the municipal planning area of the City of Goodyear. The City’s General Plan designates the subject site as Luke Compatible Land Use Area (LCLUA). The LCLUA allows for “Community Commercial, Light Industrial, Prison and Open Space uses. The proposed materials storage yard is considered by Goodyear to be a General Industrial use, and not in concert with their plan.

Existing On-Site and Adjacent Zoning:

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| 11. | On-site: | IND-2 |
| | North: | AG (City of Goodyear) |
| | East: | AU (City of Goodyear) |
| | South: | AG (City of Goodyear) |
| | West: | IND-2 |

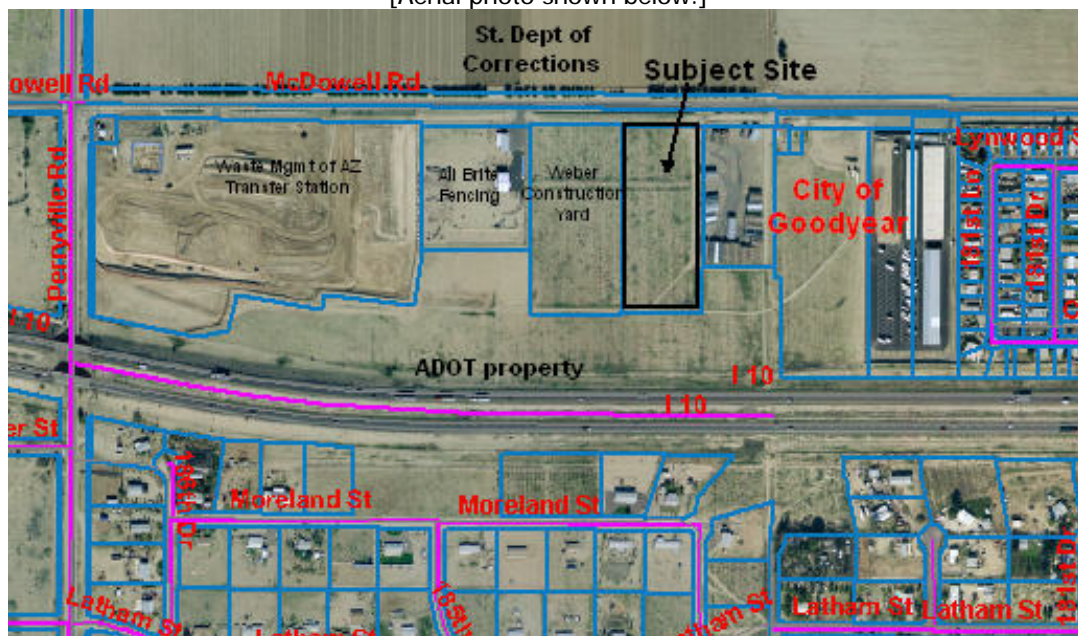
Existing On-Site and Adjacent Land Use:

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| 12. | On-site: | Vacant (natural desert) |
| | North: | Arterial (McDowell Rd), then Correctional Facility Farm (agriculture) |
| | East: | Manufactured Home Storage Lot |
| | South: | Vacant (agriculture), then Freeway (I-10) |
| | West: | Industrial (contractor storage yard, shop and office) |

Area Land Use Analysis:

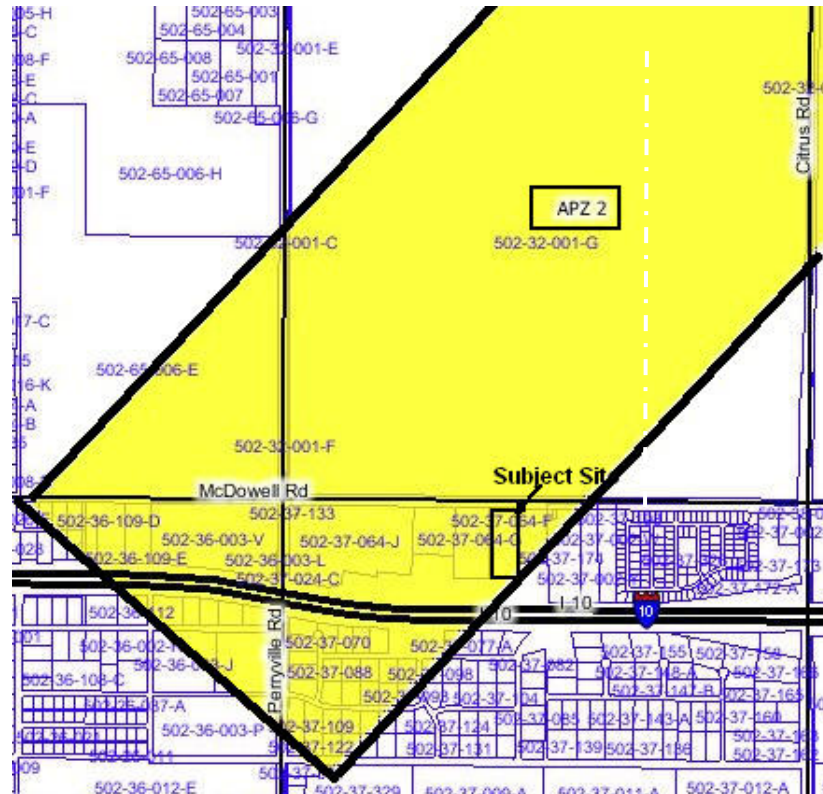
13. The subject site is nearly flat and is within an area of industrially zoned property 2,100' east of the southeast corner of Perryville Rd. & McDowell Rd. The property to the immediate west, is Weber Construction Storage Yard, zoned IND-2 with a Plan of Development approved on June 22, 2005. To the north, across McDowell Rd., is a large land holding by the Arizona Department of Corrections used as farmland. This area is within the City of Goodyear corporate limits. To the northeast is a women's correctional facility with a separate men's correctional facility further east. The south side of the site is bounded by ADOT land, which abuts I-10, an elevated (above grade) freeway. To the east is City of Goodyear city limits and the property adjacent to this subject parcel is used as a mobile home storage lot. The broader area includes single-family residential south of I-10 and ½ mile west of Perryville Rd.
14. LAFB is located approx. 5.0 miles to the northeast, and the subject site is within the State-defined "Accident Potential Zone 2". It is important to note that the State Statute requires special public notice for proposed rezoning within this military aircraft potential crash hazard area; however, the subject request does not include a zone change as industrial zoning entitlement is already in place.
15. The following air-photo shows the site in relation to surrounding property.

[Aerial photo shown below.]



16. The following map shows the site location within the High Noise/Accident Potential one of LAFB.

[PlanNet map shown below.]



Adjacent Road Status:

17. **McDowell Road:** County maintained, 2-lane, paved E/W section line arterial road with 55' of dedicated half-width right-of-way (ROW). The ultimate 65' dedicated half-width is required as well as bonding for ultimate half-street arterial improvements including curb, gutter, and sidewalk and a west bound left-turn lane.

Utilities and Services:

- | | |
|-------------------------------|----------------------------------|
| 18. Water: | Arizona Water Company |
| 19. Wastewater: | On-site septic |
| 20. Fire Protection: | Rural/Metro Fire Department |
| 21. Police Protection: | Maricopa County Sheriff's Office |

22. **Electric:** Arizona Public Service (APS)
23. **Telephone:** Qwest Communications
24. **Natural Gas:** None
25. **Cable Television:** Cox
26. **Refuse:** Waste Management
27. **Public Schools:** Liberty Elementary School
Buckeye Union High School
28. **Irrigation:** N/A

Reviewing Agencies: (The request was reviewed at the TAC meeting of December 6, 2005).

29. **Department of Transportation (MCDOT):** No objection, with the following stipulations (see attached memo):
- Provide a total half-width 65 feet of right-of-way on McDowell Road.
 - Bond for ultimate improvements on McDowell Road (urban principal arterial) including curb, gutter, and sidewalk.
 - Construct McDowell Road westbound left turn lane into site. Include required pavement tapers (not approved as shown with paving plans dated February 28, 2006).
 - Check on dimension for handicap parking space.
 - Recommend asphalt millings or gravel (not ABC) for material storage area.
30. **Environmental Services Department (MCESD):** No objection, (see attached memo).
31. **Drainage Review:** No objection, however drainage clearance permit is required and drainage improvements shall be fully operational prior to final drainage clearance (see attached memo).
32. **Maricopa County Department of Emergency Management (MCDEM):** No objection (see attached memo).

33. **Luke Air Force Base:** In a letter dated November 22, 2005, the Director of Community Initiatives Team for Luke AFB acknowledged the site is located inside the 1988 JLUS 65 Ldn and inside the Accident Potential Zone 2.

"As described, this development will not negatively impact the flying operations at Luke AFB. Since the Pioneer Landscaping Yard will be located in line with Luke AFB runway, and within the "territory in the vicinity of a military airport", it will be subject to high noise and approximately 165 over flights per day, with some below 1,400 feet above the ground. We recommend you review the sound attenuation requirements found in A.R.S. 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the potential tenant about Luke AFB operations...." A stipulation has been included in staff recommendation to comply with this request.

34. **State Historic Preservation Office (SHPO):** SHPO has responded to this request via a letter dated November 22, 2005. In summary, SHPO is not opposed to the request and indicates a finding of "no historic properties affected." (See attached letter).
35. **Arizona Department of Transportation (ADOT):** In a letter dated November 11, 2005, ADOT has indicated they have no comment on the proposal at this time. (See attached letter).
36. **City of Goodyear:** The City has responded to this request via a letter December 1, 2005 (attached). In summary, the City has requested a 30' (w) landscape buffer adjacent to arterial roads, a 20' front building setback, a six-foot wall to screen view from all streets, paved parking, street improvements and a freestanding monument sign to City of Goodyear standards. (See attached memo).
37. **Other:** The request was also referred to the Town of Buckeye, State of Arizona Office of the Attorney General, Qwest, and West Valley View Newspaper. To date, no response has been received from these agencies.

Background:

38. **February 6, 2002:** The BOS approved Z2000050, a request for a Special Use Permit (SUP) for a pet hotel (kennel), mini-warehouses and commercial storage of recreational vehicles (RVs) in the IND-3 zoning district for Gibbons Mini-Storage and Pet Hotel, subject to the following stipulations:
- a. Development and use of the site shall comply with the site plan entitled "Site Plan for Special Use Permits Gibbons Mini-Storage and Pet Hotel", consisting

of three full-size sheets, dated July 24, 2001, dated by the engineer December 19, 2001, and stamped received December 18, 2001, except as modified by the following stipulations.

- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Application for Gibbons Mini-Storage and Pet Hotel", consisting of 77 bound pages including color and/or large-size exhibits, dated revised November 20, 2001, dated by the engineer December 19, 2001, and stamped received December 18, 2001, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for McDowell Road shall occur prior to zoning clearance.
- d. The applicant shall construct ultimate improvements with curb and gutter for McDowell Road or post assurance for such improvements, at the discretion of the Department of Transportation.
- e. If air-cooled storage units are built, a minimum 24'-wide driveway aisle shall be maintained.
- f. Prior to the issuance of building permits, the applicant shall submit final grading and drainage plans to the Flood Control District of Maricopa County. All concerns raised by the Flood Control District shall be addressed prior to the issuance of any building permits.
- g. Chapter XI (Animals) of the Maricopa County Environmental Health Code must be strictly followed.
- h. To help mitigate the impact of noise from military aircraft, all residential units shall be constructed to achieve a 25-decibel noise reduction or adhere to relevant building code standards.
- i. The owner's horses shall be allowed to be housed overnight on the subject property (3 head maximum). Horses must be kept in fenced areas or corrals setback at least 20' from any property line. Permanent boarding of horses on the subject property will require a Major Amendment to the Special Use Permit.
- j. If Phase I and II are recorded as separate parcels, the applicant shall submit a Major Amendment to the Special Use Permit dividing the permit area along parcel lines.
- k. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board

of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

- l. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 180 days of such termination or expiration.
 - m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
 - n. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
 - o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
 - p. Development of the site shall comply with all requirements of the applicable fire protection agency. The applicant shall provide written evidence of such compliance prior to zoning clearance.
 - q. Prior to zoning clearance, the applicant shall submit landscape plans for the site to the Planning and Development Department for review.
39. **October 17, 2005:** Pioneer Landscaping submitted an application for a precise Plan of Development for landscaping material sales & storage on the subject site under case Z2005125.

Discussion and Evaluation:

40. This request is for a precise Plan of Development for a landscaping materials storage yard in the IND-2p zone. The project includes 3,900 sq. ft. of display area, office and 116,360 sq. ft. of material storage. The 5.0 acres site is located approx. 2,100 ft. east of the southeast corner of Perryville Rd. & McDowell Rd. in the Goodyear/Buckeye area.
41. Retail sales of landscape materials are a use by-right in the C-3 zone while wholesale and storage are permitted uses in IND-2. Staff also considers the intensity of the use. The truck traffic generated by delivery of materials for sale and by the customers is more intense than typical for a retail landscaping business such as a greenhouse or a nursery might require.
42. In addition, the majority of the customers purchasing the landscape materials will not be the end-user, but the contractor or landscape company. Therefore, the use appears to be more wholesale, than consumer retail.
43. The City of Goodyear identified this site being suitable for commercial rather than industrial uses. However, as stated above, staff considers this use more intense and better suited for an Industrial zone. In addition, the City designated this area for Luke-compatible uses. Luke Air Force Base (LAFB) has verified that the site is located within the High Noise/Accident Potential Zone of LAFB. State Statutes limit "zoning or development" within this territory (ARS §28-8481, but allows for development that is considered compatible by Luke. The statutes generally allow most industrial and business uses within this area as long as the use does not release any substance into the air that would impair visibility or otherwise interferes with operating aircraft. Luke has confirmed in writing, this use is compatible with the area.
44. The City of Goodyear made specific requests as follows:
 - **Include a 30' (w) landscape buffer adjacent to arterial roads** – the applicant has complied.
 - **Provide a 20' front building setback** – The applicant has complied with this request by placing the building 149' from front property line.
 - **Provide a six-foot wall to screen view from all streets** – the applicant will build a 6' (h) CMU wall along the front property line in Phase 1. Chain link fencing with view obscuring slats will surround the site until Phase 2. Phase 2 will screen the south property from the I-10 freeway with CMU block wall. The applicant has complied with City of Goodyear request

- **Paved parking, loading, driveways** – the applicant has complied.
- **Construct street improvements to City of Goodyear standards** – McDowell Rd. improvements meet MCDOT standards as applied to other property owners along this portion of McDowell Rd. The City of Goodyear did not provide their street requirements, but since this is a county maintained road, staff would not support Goodyear's request if the road standards were other than MCDOT's standards.
- **Limit to one freestanding monument sign not exceeding 8' (h) or 32 sq. ft. in area** – While the proposed sign meets Goodyear's size requirements, the City of Goodyear states the proposed wooden sign does not meet their design standards. The county may not review to other City standards unless a specific request is made, but Goodyear did not provide additional details from which to base a review. In absence of any other criteria, the sign meets the Maricopa County Sign standards, although staff would suggest a more permanent structure blending with the finish of the CMU wall.

Recommendation: (Z2005125)

45. Staff recommends **approval** of this request for the following reasons:

- County reviewing agencies have no objections.
- The use is consistent with the non-residential character of the area and within the parameters of the existing zoning district.
- The use appears to be consistent with allowed uses for APZ2 as defined in ARS 28-8481.
- LAFB has recently approved similar adjacent uses, and has indicated support for the subject request.
- There is no known public opposition to the request.

Subject to the following stipulations:

- a. Development of the site shall comply with the site plan entitled "Pioneer Landscaping Plan of Development Site Plan", consisting of two (2) sheets, dated (revised) April 11, 2006, and stamped received April 12, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the bound narrative report entitled "Plan of Development for Pioneer Landscape Materials Sales & Storage Yard", consisting of 29 pages including exhibits, dated (revised) April 11, 2006, and stamped received April 12, 2006, except as modified by the following stipulations.

- c. The Special Use Permit approved under Z2000050 shall be removed.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
 - i. Provide a total half-width 65 feet of right-of-way on McDowell Road.
 - ii. Bond for ultimate improvements on McDowell Road (urban principal arterial) including curb, gutter, and sidewalk prior to zoning clearance. The bonding period shall be posted for five (5) years.
 - iii. Construct McDowell Road westbound left turn lane into site. Include required pavement tapers meeting MCDOT standards.
 - iv. Material storage area shall be paved with asphalt millings or gravel, not aggregate base course (ABC).
- h. Prior to commencement of work a drainage clearance shall be applied for and issued. Drainage improvements shall be fully operational prior to the release of a final drainage clearance.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

- k. The owner shall notify future tenants/owners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your building should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).

- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- m. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- n. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

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Attachments:

- Case map (1 page)
- Vicinity map (1 page)
- Site plan (reduced 8 ½" x 11", 2 pages)
- Narrative report excerpt (9 pages)
- MCDOT comments (memo, 1 page)
- MCESD comments (memo, 1 page)
- Drainage Review comments (memo, 1 page)
- MCDEM comments (memo, 1 page)
- LAFB comments (letter, 1 page)
- SHPO comments (letter, 1 page)
- ADOT comments (letter, 1 page)
- City of Goodyear comments (letter, 2 pages)

Enclosure:

- Site plan (3 full-size sheets)
- Bound narrative (29 pages)